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**DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN
APPLICATION DATA SHEET (37 CFR 1.76)****Title of
Invention****NITROXYL PROGENITOR COMPOUNDS AND METHODS OF USE**

As the below named inventor(s), I/we declare that:

This declaration is directed to:

☐ The attached application, or☒ Application No. PCT/US2005/03183 filed on January 28, 2005 (Int'l)☐ As amended on _____ (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

All statements made herein of my/our own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

FULL NAME OF INVENTOR(S)Inventor one: John P. TOSCANO, IIIDate: 11/12/08Signature: John P. Toscano IIICitizen of: USInventor two: Christopher M. PAVLOS

Date: _____

Signature: _____

Citizen of: USInventor three: Preeya K. BOPPANA

Date: _____

Signature: _____

Citizen of: US☐ Additional inventors or a legal representative are being named on _____ additional form(s) attached hereto.**ATTORNEY DOCKET NO.: 404812000800
CLIENT REFERENCE NO.: 4390**

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FULL NAME OF INVENTOR(S)

Inventor one: John P. TOSCANO, III Date: _____

Signature: _____ Citizen of: US

Inventor two: Christopher M. PAVLOS Date: 11/12/08

Signature:  Citizen of: US

Inventor three: Preeya K. BOPPANA Date: _____

Signature: _____ Citizen of: US

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FULL NAME OF INVENTOR(S)

Inventor one: **John P. TOSCANO, III** Date: _____

Signature: _____ Citizen of: **US**

Inventor two: **Christopher M. PAVLOS** Date: _____

Signature: _____ Citizen of: **US**

Inventor three: **Preeya K. BOPPANA** Date: **16 NOV 08**

Signature: *Preeya K. Boppa* Citizen of: **US**

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